

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

NEWTON JR COOK,

Plaintiff,

vs.

No. CIV-10-445-JHP

DARIN J. UPTON, JON P. BOZEMAN, JOSH
WILLIAMS, TERRY PARKS, LEWIS
COLLINS, BILL BOOKER and EARL
MAXWELL,

Defendants.

AMENDED ORDER


This matter comes before the Court on Defendants' Lewis Collins, Earl Maxwell and Terry Parks FED. R. CIV. P. 12(b)(6) Motion to Dismiss Plaintiffs' Complaint. (Dkt.# 28), and Defendants' Jon P. Bozeman and Josh Williams FED. R. CIV. P. 12(b)(6) Motion to Dismiss Plaintiffs' Complaint. (Dkt.# 31).¹

In order to survive a motion to dismiss for failure to state a claim upon which relief can be granted, factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true even if doubtful in fact. *Bell Atlantic Corp. V. Twombly*, 127 S.Ct. 1955, 1964-65 (2007). Yet the Court need not accept as true legal conclusions from the complaint or “‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Ashcroft v. Iqbal*, ____ U.S. ____, 129 S.Ct. 1937 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557). The Court, after careful review of the pleadings, and based upon the reasons as more fully set forth in Defendants'

¹ Two defendants, Darin J. Upton and Bill Booker remain in the instant case.

Motions to Dismiss Plaintiff's Complaint (Dkt. #s 28 and 31), finds that Plaintiff has failed to meet this standard and Defendants' Motions to Dismiss are GRANTED.

IT IS SO ORDERED this 28th day of March, 2011.



James H. Payne
United States District Judge
Eastern District of Oklahoma